

To: R2 EPA NY NJ PR VI (EPA Staff)[R2_EPA_NY_NJ_PR_VI_EPA_Staff@epa.gov]
From: Shore, Berry
Sent: Mon 2/8/2016 2:22:52 PM
Subject: Hoosick Falls Clips

Emails show early confusion over Hoosick Falls water pollution

Conflicting opinions and vague regulations led to delays in notifying public

By Brendan J. Lyons

Updated 9:19 am, Sunday, February 7, 2016

(This article consists of 45 photos and captions that provide a timeline/background of the Hoosick Falls issue followed by text of a piece on the e-mails):

A string of rare cancer deaths in Hoosick Falls has residents concerned about their water supply. While the state unveiled a plan

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Starting in the 1940s: Perfluorooctanoic acid, or "PFOA," has been used since the 1940s to manufacture industrial and household products such as non-stick coatings and heat-resistant wiring. It has been linked to kidney and testicular cancer, as well as thyroid diseases. Photo: Contributed Photo

2006: The EPA reached an agreement with DuPont and other manufacturers to stop producing or using PFOA. The agreement came less than a year after DuPont agreed to pay \$10.25 million in civil penalties to settle a complaint brought by the EPA regarding the company's PFOA pollution in the Midwest. Photo: Seth Perlman / AP

DuPont continued producing PFOA because the agreement did not call for the end of production of the chemical until 2015. Photo: Marie D. De Jesus, Associated Press

In Hoosick Falls, it is believed this toxic chemical may have seeped into the village's underground wells over a period of decades when workers at a nearby plastics plant cleaned smokestack filters and other equipment on the ground outside the facility, including flushing manufacturing byproducts into a storm drain. Photo: Cindy Schultz / 10035003A

Several people who worked at the McCaffrey Street plant recalled how a powder-like smoke plume that seemed heavier than air often settled in the valley around the small plant. The facility is several hundred yards from the village's water treatment plant. Photo: PAUL BUCKOWSKI / 10034431A

Saint-Gobain Performance Plastics, which purchased the plant at McCaffrey Street in 1999, said they phased out its use of PFOA more than 10 years ago amid growing international concerns about the chemical's health and environmental effects. Photo: PAUL BUCKOWSKI / 10034431A

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In that same year, Dr. Marcus E. Martinez was diagnosed with an aggressive and rare form of cancer. Following surgery and chemotherapy, Martinez said his prognosis is good, but he remains suspicious of the village's water supply. He said he has seen an extraordinarily high number of cases of aggressive cancer and thyroid diseases in the village's population. Photo: Michael P. Farrell / 10034507A

Hickey used his own money to purchase testing kits from a Canadian company to test for PFOA levels in water, but was prevented by the mayor, David B. Borge, from retrieving samples of raw water from the water plant. Undeterred, he collected water samples from his kitchen sink and other locations and submitted them. Results showed that the water in his home had PFOA levels well above the federal guideline for safe drinking water. Photo: PAUL BUCKOWSKI / 10034431A

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Hickey and other residents formed a grass-roots group, Healthy Hoosick Water, and pressured the village and Saint-Gobain to conduct their own tests. Results mirrored Hickey's and Saint-Gobain recorded PFOA levels of 18,000 parts per trillion (ppt) in the groundwater under its McCaffrey Street plant. The EPA advisory level for short-term exposure is 400 ppt. Photo: PAUL BUCKOWSKI / 10034431A

November 2015: Saint-Gobain makes free bottled water available to residents of Hoosick Falls through Tops Friendly Markets and agrees to pay \$2 million to install a carbon filter at the water treatment plant. Photo: Cindy Schultz / 10035003A

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Healthy Hoosick Water continued to push for government agencies to conduct a health survey to determine whether cancer and other illnesses in the village can be attributed to the PFOA pollution. The group also called on the state or EPA to determine the source of the pollution and how far it may have spread. Photo: PAUL BUCKOWSKI / 10034431A

The EPA also pushed for a deep study of Hoosick Falls' water pollution. Judith Enck, regional administrator for the U.S. Environmental Protection Agency, said state and federal agencies are in early discussions about how to undertake an investigation in Hoosick Falls, which may include health surveys. Photo: PAUL BUCKOWSKI / 10034431A

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One of the locations where traces of PFOA was found in the well-water supplies was the Hoosick Falls school district's bus garage, which is about a mile from the school campus. The water is used to wash buses and has not been used from human consumption in many years. Photo: John Carl D'Annibale

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The state Health Department was made aware in August 2014 that a toxic chemical had contaminated Hoosick Falls' village water system, but conflicting information and a lack of regulations led to months of delays in notifying the public about the situation, documents show.

The documents, including a timeline and chain of emails released by Rensselaer County late last week, indicate the U.S. Environmental Protection Agency was also made aware of the water contamination in December 2014, but the information was never forwarded to the EPA's regional administrator, Judith Enck, who said she did not learn about the contamination problem for another 10 months.

The records confirm that village leaders first contacted county and state health officials 18 months ago seeking guidance after they were told by a resident about the toxic chemical and its health effects. Still, the Village Board kept its initial inquiries about the pollution secret, including two meetings where village trustees discussed the matter behind closed doors in August and October 2014, according to village records.

Mayor David B. Borge did not respond to questions about why the public was excluded

from those early meetings. At the August 2014 meeting, Borge did not mention the impending water crisis when he told members of the public that the board was entering a closed session "to discuss personnel and security issues."

That same week, email exchanges between state and county health officials began in earnest after Michael Hickey, a Hoosick Falls resident, contacted Borge and told him a possible spike in cancer and other serious health effects in the village may be the result of exposure to a chemical used for decades by several local factories.

The man-made chemical, perfluorooctanoic acid, or PFOA, has been used since the 1940s to make industrial and household products like non-stick coatings and heat-resistant wiring, including at a factory near the village water treatment plant owned by Saint-Gobain Performance Plastics. The plant, which Saint-Gobain bought in 1999, was one of at least six manufacturing sites in the region that used PFOA, EPA data said.

By October 2014, emails confirm, county and state health officials were aware the levels of PFOA in the village water system exceeded federal advisories for safe drinking water. But the advisory was not binding, and health officials debated whether public notification was even required.

"From talking with the mayor this may become a very public issue once they release these and since they are above the only guidance we have (even though it is not regulated) it may get messy," Richard Elder, Rensselaer County's environmental health director, wrote in an email sent to state Health Department officials that month.

Christopher J. Meyer, county deputy executive, said health officials were not seeking to cover up the situation — they were grappling with muddled federal regulations and what they perceived as an unclear EPA advisory on dangers of PFOA exposure. He said their primary goal from the beginning was to identify the source of the contamination and have it removed from the village water system.

"The concern for our county health department from the start was the lack of a regulatory standard from either the federal or state government," Meyer said. "While the EPA had a guidance of no more than 400 ppt, that is not a regulatory standard that can

be used to declare a public water supply out of compliance. This is why the county health department immediately contacted the state for assistance and guidance as to what steps could and should be taken to ensure the health and safety of those using the Hoosick Falls water system."

But the EPA's advisory level — 400 parts per trillion — is for short-term exposure and not intended for situations like Hoosick Falls, where residents were drinking the contaminated water for possibly decades, officials said.

In an Aug. 14, 2014, email, Kimberly Evans McGee, who works in the state Health Department's Bureau of Water Supply Protection, informed county health officials that PFOA is an "unregulated contaminant" and the village therefore was "not required to conduct any remedial activity if detected."

In another email two months later, Evans McGee told several of her colleagues in the state Health Department's Center for Environmental Health that there was very little information on PFOA's health effects. The email was forwarded to a Rensselaer County Health Department official.

"Since these are unregulated contaminants, we have little information on them, including health effects information," Evans McGee wrote.

James Plastiras, a state Health Department spokesman, said "emails show there was some contact at the staff level back in August, and DOH staff was trying to provide responses to requirements related to an unregulated contaminant about which there was little conclusive information.

"After the Village conducted testing in October and November, they asked DOH for assistance in interpreting the results," he added. "We have been working very closely with the village, town and county since then, helping to determine the best filtration options, conducting our own testing of the Village water supply, the school and private wells and providing technical advice and assistance.

Elder recently drafted a timeline of Rensselaer County's handling of the situation. It notes that village leaders rebuffed the state's advice that they only needed to disclose the discovery of the PFOA in an annual water quality report that, arguably, many residents never read.

"After discussion with the village this was unreasonable and a request was made ... to NYSDOH BTSA (Bureau of Toxic Substance Assessment) to develop health effects' language that the village could provide to the residents," Elder wrote. It took another few months for the state Health Department to draft the controversial document that the village finally sent to residents Jan. 12, 2015.

But the state's advisory instructed residents that the level of PFOA detected in the water system --"does not constitute an immediate health hazard ... (and) the studies are not strong enough to draw a definitive conclusion about whether PFOA causes cancer in humans."

The state's position, adopted by the village for nearly a year, began changing two months ago amid growing pressure from the EPA and a citizens' group led by Hickey. Up to that month, Borge, the mayor, kept telling residents it was a "personal choice" whether to drink and cook with the water. Borge, at public meetings on the contamination, said he and his family continued to drink the water. His position finally changed in mid-December when the EPA's Enck, sent the village a second letter telling them they should be warning people to stop drinking or cooking with the water.

That same week, Robert A. Bilott, an Ohio attorney helping represent an estimated 3,500 people in a class-action lawsuit against DuPont, which made and used PFOA in its products, wrote a letter to Borge and the state Health Department urging them to change their position on the health risks of PFOA in drinking water. Bilott said he's represented "tens of thousands of individuals in various communities across the country who have been injured because of the contamination of their drinking water with PFOA."

Bilott said a science panel formed as a result of litigation with DuPont did a comprehensive study of the health effects of exposure to PFOA and issued a peer-reviewed report concluding the chemical has a "probable link" to six diseases, including kidney and testicular cancer.

Still, there was also a breakdown in communication within the EPA. The federal agency was notified about the PFOA pollution in Hoosick Falls by state and county health officials in December 2014. Also, that same month Saint-Gobain sent a letter to the EPA disclosing that elevated levels of the chemical were found in the village water system. The company also found levels of PFOA as high as 18,000 ppt in the groundwater under their McCaffrey Street plant, which is a few hundred yards from the village water treatment plant.

But Enck, who is from Rensselaer County, said she was not made aware of the situation until last October, when she was contacted by David Engel, an attorney for the citizens' group, Healthy Hoosick Water, and then a Rensselaer County official.

"I first learned when Rensselaer County executive Kathy Jimino emailed me on October 15, 2015 inquiring if EPA had about \$2 million to provide to the village of Hoosick Falls to install a water treatment system to remove contaminants," Enck said in an email. "It took me a few weeks to figure out what was going on and in November I wrote to the mayor advising him not to allow residents to drink the water."

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